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Paper No. 6

Ward & Olivo
708 Third Ave.
New York NY 10017

MAR 25 2004

DIRECTOR OF OFFICE
TECHNOLOGY CENTER 2600

In re Application of
Gregory J. Speicher
Application No. 09/833,099
Filed: April 11, 2001
For: INTERNET-AUDIOTEXT ELECTRONIC
ADVERTISING SYSTEM WITH
PSYCHOGRAPHIC PROFILING AND
MATCHING

DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT

This is in response to the Petition to Revive Abandoned Application filed November 14, 2003, and supplemented via facsimile submission on February 6, 2004, which is treated as a Petition for Withdrawal of Abandonment pursuant to MPEP §711.03(c)(II) and 37 C.F.R. § 1.181(a). No fee is required.

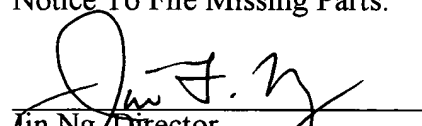
This application was held abandoned for failure to timely submit a response to the Notice to File Missing Parts mailed May 1, 2001 (paper No. 2). A Notice of Abandonment was mailed October 27, 2003 (paper No. 4).

Petitioner alleges that the Notice to File Missing Parts was not received.

The showing required to establish the failure to receive an Office communication must include a statement from the practitioner stating that the Office communication was not received by the Practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See "Withdrawing the Holding of Abandonment When Office Actions Are Not Received", 1156 Official Gazette 53 (November 16, 1993) and M.P.E.P. § 711.03(c), section II. The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office communication may have been lost after receipt rather than a conclusion that the Office communication was lost in the mail.

Petitioner has satisfied the requirements set forth above. The petition is **GRANTED**.

The Notice of Abandonment is vacated and the holding of abandonment is withdrawn. The application will be forwarded to the Office of Initial Patent Examination for mailing of a new Notice To File Missing Parts.


Jin Ng, Director
Technology Center 2600
Communications
(703) 305-4800